

# RETURN

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CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR GENERAL ON THE TWENTY-SECOND DAY OF FEBRUARY, 1912.

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that pursuant to section 60 of the Supreme Court Act, the following questions be referred to the Supreme Court of Canada for hearing and consideration, namely:—

1. (a) Has the Parliament of Canada authority to enact in whole or in part, Bill No. 3 of the first session of the Twelfth Parliament of Canada, intituled: 'An Act to amend the Marriage Act'?

The Bill provides as follows:—

1. The Marriage Act, Chapter 105 of the Revised Statutes, 1906, is amended by adding thereto the following section:—

'3. Every ceremony or form of marriage heretofore or hereafter performed by any person authorized to perform any ceremony of marriage by the laws of the place where it is performed, and duly performed according to such laws, shall everywhere within Canada be deemed to be a valid marriage, notwithstanding any differences in the religious faith of the persons so married and without regard to the religion of the person performing the ceremony.

'(2) The rights and duties, as married people of the respective persons married as aforesaid, and of the children of such marriage, shall be absolute and complete, and no law or canonical decree or custom of or in any province of Canada shall have any force or effect to invalidate or qualify any such marriage or any of the rights of the said persons or their children in any manner whatsoever.'

(b) If the provisions of the said Bill are not all within the authority of the Parliament of Canada to enact, which, if any, of the provisions are within such authority?

2. Does the law of the Province of Quebec render null and void unless contracted before a Roman Catholic Priest, a marriage that would otherwise be legally binding, which takes place in such province.

(a) Between persons who are both Roman Catholics, or

(b) Between persons one of whom, only, is a Roman Catholic.

3. If either (a) or (b) of the last preceding question is answered in the affirmative, or if both of them are answered in the affirmative, has the Parliament of Canada authority to enact that all such marriages whether,

(a) Heretofore solemnized, or

(b) Hereafter to be solemnized, shall be legal and binding.

RODOLPHE BOUDREAU,

*Clerk of the Privy Council.*



